

APPEAL NO. 022842
FILED DECEMBER 12, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 8, 2002. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits for the first compensable quarter. The claimant appeals this determination. The respondent (carrier) urges affirmance of the hearing officer's decision.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

The claimant indicates in her appeal that she received a copy of the hearing officer's decision on October 11, 2002. Pursuant to Section 410.202(a) and (d), for an appeal to be considered timely, it must be filed or mailed within 15 days, excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code, of the date of receipt of the hearing officer's decision. Applying Section 410.202, the deadline for the claimant to file an appeal was November 1, 2002. The envelope containing the claimant's appeal reflects that it was mailed on November 4, 2002, and is, therefore, untimely. We note that had the appeal been timely filed, the hearing officer's decision would be affirmable based on the evidence.

Because the claimant's appeal was not timely filed, the hearing officer's decision and order have become final pursuant to Section 410.169 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.16(f) (Rule 142.16(f)).

The true corporate name of the insurance carrier is **FREMONT
COMPENSATION INSURANCE COMPANY** and the name and address of its
registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Veronica Lopez
Appeals Judge